

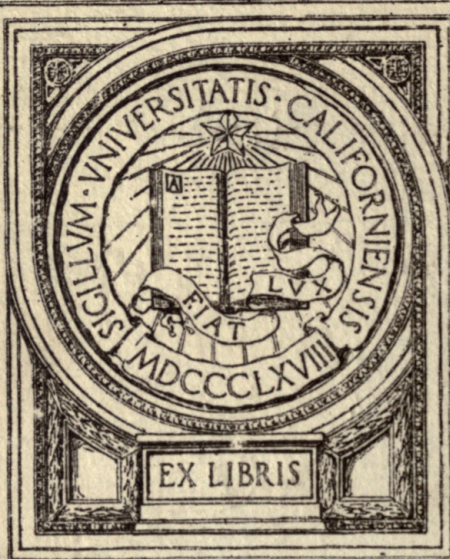
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HOUSING CODE
OF
THE CITY OF BERKELEY
STATE OF CALIFORNIA
NINETEEN HUNDRED AND FIFTEEN



IN EFFECT, JULY 1, 1915

[Berkeley Ordinances]

HOUSING CODE
OF
THE CITY OF BERKELEY
STATE OF CALIFORNIA
NINETEEN HUNDRED AND FIFTEEN



THE CITY OF
BERKELEY
CALIFORNIA

IN EFFECT, JULY 1, 1915

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TO THE
LIBRARY OF THE
CONGRESS

LIBRARY OF
CITY OF BERKELEY

HOUSING CODE OF THE CITY OF BERKELEY 1915

ORDINANCE NO. 412, N. S.

An Ordinance to regulate the erection, construction, use, control, maintenance and repair of buildings used for human occupancy or habitation, the number of occupants, and the mode and manner of occupancy, for the purpose of securing the healthful, safe and sanitary environment of the occupants thereof, and to compel the owners of such buildings to alter, reconstruct and modify the same, or any part thereof, for the purpose aforesaid, and to prohibit the unlawful use or occupancy of such building or buildings, providing penalties for the violation thereof and repealing conflicting ordinances.

Be it ordained by the Council of the City of Berkeley as follows:

CHAPTER I.

GENERAL PROVISIONS.

1. **Short Title.** This ordinance shall be known as the Housing Code.

2. **Enforcement.** The Department of Buildings and Inspections shall have supervision over and shall enforce the provisions of this ordinance relative to the construction, alteration and repair of buildings used for human habitation, and shall issue the Certificate of Conformity required by section one hundred eighteen of this ordinance. The Board of Health is hereby charged with the enforcement of the remaining provisions of this ordinance.

3. **Records.** Each of said departments shall keep and preserve, as to each such building, a complete record of all inspections, permits and orders issued pursuant to this ordinance.

4. **Definitions.** For the purposes of this ordinance certain words and phrases are defined as follows: Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and

the plural the singular; the word "person" includes a corporation as well as a natural person.

(1) **Dwelling.** A "dwelling" is any house or building or portion thereof which is occupied in whole or in part as the home, residence or sleeping place of one or more human beings, either permanently or transiently.

(2) **Types of Dwellings.** For the purpose of this ordinance dwellings are divided into the following types: (a) "private dwellings," (b) "two-family dwellings," and (c) "multiple dwellings."

(a) A "private-dwelling" is a dwelling occupied by but one family alone.

(b) A "two-family-dwelling" is a dwelling occupied by but two families alone.

(c) A "multiple-dwelling" is a dwelling occupied otherwise than as a private-dwelling or two-family-dwelling.

(3) **Types of Multiple-Dwellings.** All multiple-dwellings are dwellings and for the purpose of this ordinance are divided into two types, viz., Type A and Type B.

Type A. Multiple-dwellings of Type A are dwellings which are occupied more or less permanently for residence purposes by several families and in which the rooms are occupied in apartments, suites or groups. This type includes tenement houses, flats, apartment houses, apartment hotels, bachelor apartments, studio apartments, duplex apartments, kitchenette apartments, and all other dwellings similarly occupied whether specifically enumerated herein or not.

Type B. Multiple-dwellings of Type B are dwellings which are occupied, as a rule transiently, as the more or less temporary abiding place of individuals who are lodged with or without meals, and in which as a rule the rooms are occupied singly. This type includes hotels, lodging houses, boarding houses, furnished-room houses, lodgings, club houses, fraternity houses, sorority houses, lodges, convents, asylums, hospitals, jails, and all other dwellings similarly occupied, whether specifically enumerated herein or not.

(4) **Hotel.** A "hotel" is a multiple dwelling of Type B in which persons are lodged for hire and in which there are more than fifty sleeping rooms, a public dining room for the accommodation of at least fifty guests, and a general kitchen.

(5) **Mixed Occupancy.** In cases of mixed occupancy where a building is occupied in part as a dwelling the part so occupied shall be deemed a dwelling for the purposes of this ordinance and shall comply with the provisions thereof relative to dwellings.

(6) **Yards.** A "rear yard" is an open, unoccupied space on the same lot with a dwelling, between the extreme rear line of the lot and the extreme rear line of the house.

(7) **Courts.** A "court" is an open, unoccupied space, other than a yard, on the same lot with a dwelling. A court not extending to the street or rear yard is an "inner court." A court extending to the street or rear yard is an "outer court." If it extends to the street it is a "street court." If it extends to the rear yard it is a "yard court." If it extends from the street to the rear yard it is a "street-to-yard-court." A court bounded on one side and both ends by a dwelling and on the remaining side by a lot-line is a "lot-line court." A court bounded on one side and one end by a dwelling and on the remaining side by a lot-line and the remaining end open to the street or front or rear yard is a "lot-line outer court."

(8) A "shaft" includes exterior and interior shafts, whether for air, light, elevator, dumbwaiter, or any other purpose. A "vent shaft" is one used solely to ventilate or light a water-closet compartment or bathroom.

(9) A "corner lot" is a lot situated at the junction of two or more intersecting streets. Any portion of the width of such lot distant more than fifty feet from such junction shall not be regarded as part of a corner lot but shall be subject to the provisions of this ordinance respecting other than corner lots. Where, in any corner lot, the two frontages are of unequal length, either street frontage may be taken as the width of the lot.

A lot other than a corner lot is an "interior lot."

(10) **Front; Rear; and Depth of Lot.** The front of a lot is that boundary line which borders on the street. In the case of a corner lot the owner may elect by statement on his plans either street boundary line as the front. The rear of a lot is the side opposite to the front. In the case of a triangular or gore lot the rear is the boundary line not bordering on a street. The depth of a lot is the dimension measured from the front of the lot to the extreme rear line of the lot. In the case of irregular-shaped lots the mean depth shall be taken.

(11) **Public Hall.** A "public hall" is a hall, corridor or passageway not within the exclusive control of one family.

(12) **Stair Hall.** A "stair hall" is a public hall and includes the stairs, stair landings and those portions of the building through which it is necessary to pass in going between the entrance floor and the roof.

(13) **Basement; Cellar; Attic.** A "basement" is a story partly below the level of the curb, the ceiling of which is not less than seven

feet above the curb level. A "cellar" is any story partly or wholly below the level of the curb, the ceiling of which is less than seven feet above the curb level. In the case of private-dwellings and two-family-dwellings an attic, or story in a sloping roof, if not occupied for living purposes shall not be counted as a story; in the case of multiple-dwellings an attic shall be counted as a story.

(14) **First Story.** The "first story" of a building is the lowest story the ceiling of which is seven feet or more above the level of the curb. In determining the height of any building by stories, the stories thereof shall be numbered from and including such first story upward.

(15) **Length; Width.** For the purposes of this ordinance the greatest horizontal linear dimension of any building shall be its length, and the next greatest horizontal linear dimension its width.

(16) **Height.** The "height" of a dwelling is the vertical distance measured in a straight line from the curb level to the highest point of the roof beams in the case of flat roofs, and to the average of the height of the gable in the case of pitched roofs, the measurements in all cases to be taken through the center of the front of the house. Where a dwelling is situated on a terrace above the curb level such height shall be measured from the level of the adjoining ground. For a building erected upon a street corner the measurements shall be taken from the curb level opposite the center of either front.

(17) **Curb Level.** The "curb level" is the level of the established grade in front of the building measured at the center of such front. Where no grade has been established the City Engineer shall establish such grade or its equivalent for the purposes of this ordinance.

(18) **Occupied Spaces.** Outside stairways, fire towers, porches, platforms, balconies, boiler flues and other projections, except open iron fire escapes not over four feet in width, shall be considered as part of the building and not as part of the yards or courts or unoccupied area.

Cornices which project into an outer court or into a side yard for a distance of more than eighteen inches, shall similarly be considered as part of the building. A cornice which projects into an inner court to any extent shall be considered as part of the building.

(19) **Fireproof Dwelling.** A "fireproof dwelling" is one the walls of which are constructed entirely of brick, stone, cement, iron or other hard incombustible material and in which the floors, roofs, stair halls and public halls are built entirely of brick, stone, cement, iron or other hard incombustible material and in which no woodwork or other inflammable material is used in any of the partitions, furr-

ings or ceilings. But this definition shall not be construed as prohibiting elsewhere than in the public halls the use of wooden flooring on top of the fireproof floors or the use of wooden sleepers, nor as prohibiting wooden handrails or treads of hard wood, supported by fireproof construction.

(20) **Wooden Building.** A "wooden building" is a building of which the exterior walls or a portion thereof are of wood. Court walls are exterior walls.

(21) **Nuisance.** The word "nuisance" shall be held to embrace public nuisance as known at common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health; whatever dwelling is overcrowded with occupants or is not provided with adequate ingress and egress to or from the same, or is not sufficiently supported, ventilated, sewered, drained, cleaned or lighted, in reference to its intended or actual use; and whatever renders the air or human food or drink unwholesome, are also severally, in contemplation of this ordinance, nuisances; and all such nuisances are hereby declared illegal.

(22) **Construction of Certain Words.** The word "shall" is always mandatory and not directory, and denotes that the dwelling shall be maintained in all respects according to the mandate as long as it continues to be a dwelling.

Wherever the words "ordinances," "regulations," "department of buildings and inspections," "board of health," "health officer," "department charged with the enforcement of this ordinance," "commissioner of public safety," "corporation counsel," "mayor," "city treasury," "city engineer," or "fire limits," occur in this ordinance they shall be construed as if followed by the words "of the city of Berkeley, State of California." Wherever the words "occupied" or "used" are employed in this ordinance such words shall be construed as if followed by the words "or is intended, arranged, designed, built, altered, converted to, rented, leased, let or hired out, to be occupied or used." Wherever the words "dwelling," "two-family-dwelling," "multiple-dwelling," "building," "house," "premises," or "lot" are used in this ordinance they shall be construed as if followed by the words, "or any part thereof." Wherever the word "street" is used in this ordinance it shall be construed as including any public alley sixteen or more feet in width. "Approved fireproof material" means approved by the Department of Buildings and Inspections.

5. Buildings Converted or Altered. A building not a dwelling if hereafter converted or altered to such use shall thereupon become subject to all the provisions of this ordinance relative to dwellings hereafter erected. A dwelling of one type if hereafter altered or

converted to another type shall thereupon become subject to all the provisions of this ordinance relative to such type.

6. *Alterations and Changes in Occupancy.* No dwelling hereafter erected shall at any time be altered so as to be in violation of any provision of this ordinance, and no dwelling erected prior to the passage of this ordinance shall at any time be altered so as to be in violation of those provisions of this ordinance applicable to such dwelling. If any dwelling or any part thereof is occupied by more families than provided in this ordinance, or is erected, altered or occupied contrary to the law and ordinances, such dwelling shall be deemed an unlawful structure, and the health officer may cause such dwelling to be vacated. And such dwelling shall not again be occupied until it or its occupation, as the case may be, has been made to conform to the law and ordinances.

7. *Dwellings Moved.* If any dwelling be hereafter moved from one lot to another it shall thereupon be made to conform to all the provisions of this ordinance relative to dwellings hereafter erected.

8. *Minimum Requirements; Ordinance Not to Be Modified.* The provisions of this ordinance shall be held to be the minimum requirements adopted for the protection of the health, welfare and safety of the community. Except as herein otherwise specified, every dwelling shall be constructed and maintained in conformity with the existing law and ordinances, but no regulation or ruling of any municipal officer or board shall repeal, amend, modify or dispense with any provision of this ordinance.

9. *Time for Compliance.* All improvements specifically required by this ordinance upon dwellings erected prior to date of its passage shall be made within one year from said date, or at such earlier period as may be fixed by the health officer.

10. *Scope of the Ordinance.* All the provisions of this ordinance shall apply to all types of dwellings, except that in sections where specific reference is made to one or more specific types of dwellings such provisions shall apply only to those specific types to which such reference is made. All provisions which relate to dwellings shall apply to all types of dwellings.

CHAPTER II.

DWELLINGS HEREAFTER ERECTED.

(In this chapter will be found the provisions which must be observed when a person proposes to build a new dwelling or to convert or alter to such purposes a building which is not a dwelling.)

TITLE 1. LIGHT AND VENTILATION.

11. Percentage of Lot Occupied. No dwelling hereafter erected shall occupy alone or with other buildings more than eighty-five per cent of a corner lot, or more than sixty-five per cent of any other lot, except as otherwise provided in this ordinance; **provided**, that the space occupied by open iron fire escapes erected and constructed according to law shall not be deemed a part of the lot occupied, but that the space occupied by fireproof stairs, and by vent shafts thirty-two square feet or less in area, shall be considered as part of the lot occupied, except that in the case of hotels the measurements may be taken at the floor level of the lowest bedroom story; and in the case of other multiple-dwellings where there are stores or shops on the entrance story, the measurements may be taken at the top of such entrance story.

12. Height. No dwelling hereafter erected shall exceed in height the width of the widest street upon which it abuts nor in any case shall it exceed sixty-five feet in height. Such width of street shall be measured perpendicularly from street line to opposite street line.

The provisions of this section shall not apply to hotels of Class A construction.

13. Yards. Immediately behind every dwelling hereafter erected there shall be a rear yard extending across the entire width of the lot. Such yard shall be at every point open and unobstructed from the ground to the sky, except that in the case of corner lots the rear yard may start at the top of the entrance story. Every part of such yard shall be directly accessible from every other part thereof. The depth of said yard shall be measured at right angles from the rear lot line to the extreme rear part of the house. Such depth shall increase proportionately with an increased height of the dwelling and shall be proportionate to the depth of the lot as follows:

(a) In the case of corner lots no rear yard shall be less than ten per cent of the depth of the lot, provided no such rear yard shall be less than ten feet in depth.

(b) Except for multiple-dwellings of Type A, in the case of

corner lots with streets on three sides, the rear yard need not extend across the full width of the lot, but only to its median line; in the case of hotels located on such lots no rear yard need be provided.

(c) In the case of interior lots no rear yard shall be less than fifteen per cent of the depth of the lot, provided no rear yard shall be less than twelve feet in depth.

If the dwelling exceeds three stories in height, the depths above prescribed shall in each case be increased five per cent for each story above three stories.

14. Street to Yard Court. No street to yard court is required for dwellings hereafter erected, but they may be built up to the lot line. If, however, any street to yard court is left it shall be at every point open and unobstructed from the ground to the sky and its width shall be proportionate to the height of the dwellings and no street to yard court shall be less in width in any part than as follows:

The minimum width of a street to yard court, measured to the side lot line, for a one-story dwelling shall be four feet; for a two-story dwelling, five feet; for a three-story dwelling, six feet; for a four-story dwelling, seven feet; for a five-story dwelling, nine feet; for a six-story dwelling, eleven feet.

In a private-dwelling or a two-family-dwelling hereafter erected one unenclosed outside porch may be located in the street to yard court, provided such porch does not extend into the said court a greater distance than four feet from the side wall of the building nor exceed twelve feet in its other horizontal dimension.

15. Inner Courts. The sizes of all inner courts in dwellings hereafter erected shall be proportionate to the height of the dwelling. No inner court shall be less in any part than the minimum sizes prescribed in this section. The minimum width of an inner court for a one-story dwelling shall be six feet, for a two-story dwelling seven feet, for a three-story dwelling eight feet, for a four-story dwelling nine feet, for a five-story dwelling twelve feet, and for a six-story dwelling sixteen feet. The length of an inner court shall never be less than twice the minimum width prescribed by this section. The width of all courts adjoining the lot line shall be measured to the lot line and not to an opposite building.

16. Outer Courts, Lot Line Outer Courts, Street to Yard Courts, size of. The outer court of all dwellings hereafter erected shall have not less than the following minimum widths nor more than the following maximum lengths:

Building	Least width	Maximum length
2 stories	4 feet	16 feet
3 stories	4 feet 6 inches	25 feet
4 stories	5 feet 6 inches	30 feet
5 stories	6 feet	35 feet
6 stories	8 feet	35 feet

The length of outer courts shall not be more than the maximum lengths given in the above table unless six inches be added to the minimum widths for each additional five feet or fraction thereof in length. The lot line outer courts and street to yard courts shall have the same minimum width as outer courts but are not governed by the provisions of this section regarding maximum lengths.

17. Lot Line Courts, Size of. Lot line courts in dwellings hereafter erected shall have areas and minimum widths in all parts not less than those specified in the following table:

Building	Area in square feet	Least width.
2 stories	50	4 feet
3 stories	72	6 feet
4 stories	105	7 feet
5 stories	180	9 feet
6 stories	300	12 feet

Provided, that when only the window of kitchens containing not more than seventy-five square feet of floor area or of bath rooms or toilets open or are designed to open upon a lot line court and said court is entirely open and free from obstruction from the bottom thereof to the sky, said court shall have areas and minimum widths in all parts not less than the areas and widths specified in the following table:

2 stories	50	4 feet
3 stories	50	4 feet
4 stories	60	6 feet
5 stories	108	9 feet
6 stories	144	12 feet

18. Courts Open at Top. No court of a dwelling hereafter erected shall be covered by a roof or skylight. Every such court shall be at every point open from the ground to the sky unobstructed, except that in the case of hotels, courts may start at the floor level of the lowest bedroom story; and in the case of other multiple-dwellings where there are stores or shops on the entrance story, courts may start at the top of such entrance story.

19. Air-Intakes. Every inner court, including lot-line-courts, shall be provided with one or more horizontal air intakes at the bottom. Such intakes shall always communicate directly with the

street or yard, and shall consist of an unobstructed passageway, not less than three feet wide and six feet six inches high, which shall be left open, or if not open there shall always be provided in said passageway open grills or transoms, one at each end, of a size to furnish not less than ten square feet each of free and open air space, and such grills or transoms shall never be covered with glass or in any other way. In case the court does not go down below the second floor level the intake shall consist of unobstructed open ducts having an open interior area of not less than sixteen square feet at every point and covered at each end with a wire screen of not less than one inch mesh. Such duct shall be so arranged as to be easily cleaned out. These ducts or intakes must in any case be either of fire-proof construction or lined with No. 26 flat, galvanized iron laid on the inside of said duct without air space at the back.

20. *Angles in Courts.* Nothing contained in the foregoing sections concerning courts shall be construed as preventing the cutting off of corners of said courts, provided that the running length of the wall across the angle of such corner does not exceed seven feet.

21. *Buildings on the Same Lot with a Dwelling.* If any building is hereafter placed on the same lot with a dwelling there shall always be maintained between the said buildings an open unoccupied space extending upwards from the ground and extending across the entire width of the lot. Such space shall never be less than fifteen feet in depth; where both buildings exceed one story in height such space shall not be less than twenty feet in depth; and if either building is three stories in height such open space shall not be less than twenty-five feet in depth; if either building is four stories in height such open space shall not be less than thirty feet in depth; if either building is five stories in height such open space shall not be less than thirty-five feet in depth; and if either building is six stories in height such open space shall not be less than forty feet in depth. No building of any kind shall be hereafter placed upon the same lot with a dwelling so as to decrease the minimum sizes of courts and yards as hereinbefore prescribed. If any dwelling is hereafter erected upon any lot upon which there is already another building, it shall comply with all the provisions of this ordinance, and in addition the space between the said building and the said dwelling shall be of such size and arranged in such manner as is prescribed in this section, the height of the highest building on the lot to regulate the dimensions.

22. *Rooms, Lighting and Ventilation of.* In every dwelling hereafter erected every room shall have at least one window opening directly upon the street, or upon a yard or court or to the sky of the dimensions specified in this article and located on the same lot, and such window shall be so located as to properly light all por-

tions of such rooms. This provision shall not, however, apply to rooms used as art galleries, swimming pools, gymnasiums, squash courts or for similar purposes, provided such rooms are adequately lighted and ventilated by ventilating skylights in the roof thereof.

23. Window Area. In every dwelling hereafter erected, the total window area of each room, except public halls, water closet compartments and bath rooms, shall be at least one-eighth of the floor area of the room, except in the cellar or basement, where it shall be one-sixth, and the upper half of all windows shall be made so as to open the full width. The total window area of any such room shall never be less than twelve square feet, measured to outside of sash. Provided that these requirements shall not apply to windows opening from cellar or basements, where the aforementioned basements or cellar are not occupied or intended or designed to be occupied as living rooms or as bed rooms.

24. Size and Height of Rooms. In every dwelling hereafter erected, all rooms, except water-closet compartments and bathrooms shall be of the following minimum sizes: each room shall contain at least one hundred square feet of floor area, and in each apartment there shall be at least one room containing not less than one hundred and fifty square feet of floor area. Each room shall be in every part not less than eight feet from the finished floor to the finished ceiling; *provided*, that an attic room need be but eight feet high in half its area. Except that small closets and water-closet compartments, and bath rooms may be not less than seven feet six inches in height and except that kitchens or pantries may be less than ninety square feet of area; *provided*, that same are not occupied or intended or designed to be occupied as bed rooms.

25. Alcoves. Size of Closet and Small Alcove. Cooking in Closets or Alcoves Forbidden. In every dwelling hereafter erected an alcove in any room shall be separately lighted and ventilated and must conform to all the requirements of other rooms, and shall not be less than one hundred square feet in area. No part of any room in a dwelling hereafter erected shall be enclosed or subdivided at any time, wholly or in part, by a curtain, portiere, fixed or movable partition or other contrivance or device, unless such part of the room so enclosed or subdivided shall contain a separate window as herein required, and shall have a floor area of not less than one hundred square feet; *provided, however*, that closets or alcoves of not more than twenty-five square feet of floor area do not come within the provisions of this section; *provided further*, that it shall be unlawful to do any cooking or prepare any food in closets or alcoves unless they conform to all the provisions of sections twenty-two and twenty-three of this ordinance, relative to windows.

26. Privacy. In every multiple-dwelling hereafter erected,

access to every living room and to every bedroom and to at least one water-closet compartment shall be had without passing through a bedroom.

27. *Water-closet Compartments and Bathrooms; Lighting and Ventilation of.* In every dwelling hereafter erected every water-closet compartment and bathroom shall have at least one window opening directly upon the street or sky or upon a yard or court of the dimensions specified in this article and located on the same lot. No such window shall be less in size than three square feet measured to outside of sash, and the aggregate area of windows for each water-closet compartment shall be not less than six square feet, measured to outside of sash. Every such window shall be made so as to open in all its parts. Nothing in this section contained shall be construed so as to prohibit a general toilet room containing several water-closet compartments separated from each other by dwarf partitions, provided such toilet room is adequately lighted and ventilated to the outer air as above provided, and that such water-closets are supplemental to the water-closet accommodation required by the provisions of section thirty-seven.

In hotels hereafter erected, in the case of water-closets located on the top floor or at the bottom of a court, a ventilating skylight open to the sky may be used in lieu of the windows required by this section.

28. *Public Halls.* In every dwelling hereafter erected every public hall shall have at each story at least one window opening directly upon the street or upon a yard or court of the dimensions specified in this article and located on the same lot. Any part of a public hall which is offset or recessed or shut off ten or more feet from any other part of said hall shall be deemed a separate hall within the meaning of this section and shall be separately lighted and ventilated.

29. *Windows and Skylights for Public Halls.* In dwellings hereafter erected one at least of the windows provided to light each public hall or part thereof shall be at least two feet six inches wide and five feet high, measured to outside of sash. In every multiple dwelling hereafter erected there shall be in the roof directly over each stair-well, a ventilating skylight provided with ridge ventilators having a minimum opening of forty square inches, or such skylight shall be provided with fixed or movable louvres.

30. *Windows for Stair Halls, Size of.* In every multiple-dwelling hereafter erected there shall be provided for each story at least one window to light and ventilate each stair hall which shall be at least three feet wide and five feet high, measured to outside of sash. A sash door shall be deemed the equivalent of a window in this and the two foregoing sections, provided that such door contains the amount of glazed surface prescribed for such windows.

31. Outside Porches. In dwellings hereafter erected, roofed-over outside porches which extend above the top of the entrance story shall not be erected outside and in front of windows required by this ordinance for the lighting and ventilation of rooms or halls; they may, however, open from windows supplementary to those required by law, provided they do not diminish the legal light or ventilation of such rooms. The term "outside porches" shall include outside platforms, balconies and stairways. All such outside porches shall be considered as part of the building and not as part of the yards or courts or other unoccupied area.

TITLE II.

SANITATION.

32. Cellar Rooms. In dwellings hereafter erected no room in the cellar shall be occupied for living purposes.

33. Basement Rooms. In dwellings hereafter erected no room in the basement shall be occupied for living purposes, unless in addition to the other requirements of this ordinance such rooms shall have sufficient light and ventilation, shall be well drained and dry, and shall be fit for human habitation.

34. Cellars, Water-Proofing and Lighting. Every dwelling hereafter erected shall have a basement, cellar or space under the entire entrance floor, unless said floor be entirely waterproof construction; said space shall be at least twenty-four inches between the top of the ground and the bottom of said floor so as to insure ventilation and protection from dampness. All cellars and basements in dwellings hereafter erected shall be properly lighted, ventilated and drained.

35. Courts, Areas and Yards. In every dwelling hereafter erected all courts, areas and yards shall be properly graded and drained, and when required by the health officer, they shall be properly concreted in whole or in part as may be appropriate.

36. Water Supply. In every dwelling hereafter erected there shall be a proper sink or wash-bowl with running water, exclusive of any sink in the cellar. In two-family dwellings and in multiple-dwellings of Type A there shall be such a sink or wash bowl in each compartment, suite or group of rooms.

37. Water-Closet Accommodations. In every dwelling hereafter erected there shall be a separate water closet. Each such water closet shall be placed in a compartment completely separated from

every other water closet; such compartment shall be not less than two feet six inches wide, and shall be enclosed with walls which shall extend to the ceiling and which shall not be of unpainted wood or other absorbent material. Every such compartment shall have a window opening directly upon the street or upon a yard, court or vent shaft or the sky of the minimum sizes prescribed by this ordinance and located upon the same lot. Nothing in this section contained shall be construed so as to prohibit a general toilet room containing several water-closet compartments separated from each other by dwarf partitions, provided such toilet room is adequately lighted and ventilated to the outer air as above provided and that such water closets are supplemental to the water-closet accommodations required by other provisions of this section for the tenants of the said house. No drip-trays shall be permitted in any water closet. No water-closet fixture shall be enclosed with any woodwork. No water closet shall be placed out of doors. In two-family dwellings and in multiple dwellings of Type A hereafter erected there shall be for each family a separate water closet constructed and arranged as above provided and located within each apartment, suite or group of rooms. In multiple-dwellings of Type B hereafter erected there shall be provided at least one water closet for every fifteen occupants or fraction thereof. Every water-closet compartment hereafter placed in any dwelling shall be provided with proper means of lighting the same at night. In two-family dwellings and multiple-dwellings hereafter erected the floor of every such water closet shall be made water-proof with asphalt, tile, stone, terrazzo, painted wood or some other non-absorbent water-proof material.

38. Sewer Connection. No multiple-dwelling shall hereafter be erected on any street unless there is running water accessible thereto nor unless there is a public sewer in such street, or a private sewer connecting directly with a public sewer, and every such multiple-dwelling shall have its plumbing system connected with the water supply and with a public sewer before such multiple-dwelling is occupied. No cesspool or vault or similar means of sewage disposal shall be used in connection with any dwelling where connection with a public sewer is practicable.

39. Plumbing. All plumbing work shall be in accordance with the plumbing regulations of the City. In all dwellings hereafter erected where plumbing or other pipes pass through floors or partitions, the openings around such pipes shall be sealed or made airtight with incombustible materials, so as to prevent the passage of air or the spread of fire from one floor to another or from room to room.

40. Garbage Chutes. Garbage chutes shall not be constructed, maintained or used.

TITLE III.

FIRE PROTECTION

41. *Wooden Dwelling House; Height Limited.* No wooden dwelling shall hereafter be erected to a height of more than forty feet above the ground at any point.

42. *Height of Non-Fireproof Dwelling.* A non-fireproof multiple-dwelling may be built four stories in height; provided that the exterior walls are all of brick or stone or concrete and all other municipal requirements for this class or type of buildings are complied with. If in addition to the above requirements all joists, girders, studding, furring, and the soffits of stairs be lathed with metal lath and plastered, such multiple-dwelling may be built not to exceed five stories. A cellar is not a story within the meaning of this section. However, the building may step up or down to follow the grade, provided that no part of said building exceeds the number of stories provided for in this section nor the maximum height of such buildings as hereinbefore prescribed.

43. *Means of Egress.* Every multiple-dwelling hereafter erected exceeding one story in height shall have at least two independent ways of egress which shall extend from the ground floor to the topmost floor of two-story dwellings and to the roof of all other dwellings, and shall be located remote from each other, and each shall be enclosed by walls or partitions as provided in sections forty-six, forty-seven and forty-eight of this ordinance. In multiple-dwellings of Type A the second way of egress shall be directly accessible to each apartment, group or suite of rooms without having to pass through the first way of egress. In multiple-dwellings of Type B the second way of egress shall be directly accessible from a public hall. The second way of egress may be any of the following, as the owner may elect:

(1) A system of outside balcony fire-escapes constructed and arranged as provided in section forty-four of this ordinance.

(2) An additional flight of stairs, either inside or outside, constructed and arranged as provided in sections forty-six, forty-seven and forty-eight of this ordinance.

In the case of multiple-dwellings of Type A hereafter erected which do not exceed two stories in height and which are not occupied by more than four families in all, such additional flight of stairs may be an outside stairs of wood with wooden balconies, if located on the rear wall of the dwelling and kept entirely unenclosed.

(3) A fire-tower located, constructed and arranged as may be required by the Department of Buildings and Inspections.

44. Fire-Escapes. All fire-escapes hereafter erected on multiple dwellings shall be located and constructed as in this section required. Such fire escapes shall be located at each story the floor of which is twelve or more feet above the ground. Access to fire-escapes shall not be obstructed in any way. No fire-escape shall be placed in an inner court. Fire-escapes may project into the public highway to a distance not greater than four feet beyond the building line. All fire-escapes shall consist of outside galvanized open iron, stone or concrete balconies and stairways. All balconies shall be not less than three feet in width. All stairways shall be placed at an angle of not more than sixty degrees to the horizontal, with flat open steps not less than six inches in width and twenty-four inches in length and with a rise of not more than eight inches. The openings for stairways in all balconies shall be not less than twenty-four by twenty-eight inches, and shall have no covers of any kind. The balcony on the top floor shall be provided with stairs or with a goose-neck ladder leading from said balcony to and above the roof and properly fastened thereto. A drop ladder or stairs shall be provided from the lowest balcony of sufficient length to reach to a safe landing place beneath. All fire-escapes shall be constructed and erected to safely sustain in all their parts a safe load. In addition to the foregoing requirements, all fire-escapes hereafter erected upon multiple-dwellings shall be constructed in accordance with such supplementary regulations as may be adopted by the Department of Buildings and Inspections.

45. Stairway to Roof. Every multiple-dwelling hereafter erected, more than two stories in height, shall have a stairway not less than three feet in width leading to an opening onto the roof and provided with a penthouse over such stairway (such penthouse to be constructed on the inside and ceiling of the same materials as required in this section for the walls enclosing stairway, and provided with a door.) Such stairway shall be provided with proper handrail and be enclosed with walls of fireproof materials or wood studs lathed on the stair side with metal lath and plaster, or such wood studs may be covered with metal in lieu of metal lath and plaster. Any door opening from such stairway to the roof space shall be covered on the stair side with metal. The soffits of all such stairs shall be covered with metal or metal lath plastered. Such stairway and penthouse shall not be located in a closet or room, but shall be located in the ceiling of the public hall on the top floor and access through the same to the roof shall be direct and uninterrupted. In no case shall the door of the said pent-house be fastened with lock and key.

46. Stairways in Tenement Houses. Every multiple-dwelling hereafter erected, more than two stories in height, shall have at least one flight of stairs, extending from the entrance floor to the

roof, and the stairs and public halls therein shall be at least three feet wide in the clear and every non-fireproof multiple-dwelling containing not more than fifty rooms shall have a secondary flight of stairs running from the top floor down to the second floor and not less than two feet six inches wide. A fire-escape may take the place of this second stairway. Winding stairs will not be permitted. No elevator shall be permitted in the well-hole of stairs.

47. Each flight of stairs mentioned in the last two sections shall have an entrance on the entrance floor from the street or street court, or from an inner court which connects directly with the street. All stairs shall be constructed with a rise of not more than eight inches, and with treads not less than nine inches wide, exclusive of nosings. Winding stairs will not be permitted.

48. *Stairway in Non-Fireproof House.* Every non-fireproof multiple-dwelling hereafter erected containing over fifty rooms, exclusive of bath rooms, above the entrance story, shall also have an additional flight of stairs for every additional eighty rooms or fraction thereof; if said dwelling contains not more than one hundred rooms above the entrance story, in lieu of an additional stairway, the stairs, stair halls and entrance halls throughout the entire building shall be at least one-half wider than is specified in sections forty-seven and fifty-one of this ordinance. However, where an additional flight of stairs is added in accordance with the provisions of this section, the secondary stairway required in section forty-seven may be omitted.

49. *Stairway in Fireproof House.* Every fireproof multiple-dwelling hereafter erected containing over one hundred and twenty rooms above the entrance story, exclusive of bath rooms, shall have an additional flight of stairs for every additional one hundred and twenty rooms or fraction thereof, but if said dwelling contains not more than one hundred and eighty rooms above the entrance story, exclusive of bath rooms, in lieu of an additional stairway the stairs, stair halls and entrance halls throughout the entire building may each be at least one-half wider than is specified in sections forty-seven and fifty-one of this ordinance, and if such dwelling contains not more than three hundred rooms above entrance story, exclusive of bath rooms, in lieu of four stairways there may be but three stairways; *provided*, that one such stairway and the stair halls and entrance halls connected therewith are at least one-half wider than is specified in sections forty-seven and fifty-one of this ordinance.

50. *Stair Entrance Construction. Height of Riser. Width of Tread.* Each flight of stairs mentioned in the last two sections shall have an entrance on the entrance floor from the street or street court, or from an inner court which connects directly with the

street. All stairs shall be constructed with a rise of not more than eight inches, and with treads not less than nine inches wide, exclusive of nosings.

51. Entrance Hall, Size. Access from Yard to Street Direct. Every entrance hall in a multiple-dwelling hereafter erected shall be at least three feet six inches in the clear from the entrance up to and including the stair enclosure, and beyond this point three feet wide in the clear. In every multiple-dwelling hereafter erected, access shall be had from the street to the yard, either in a direct line or through a court.

52. Closets Under Stairs Forbidden. In non-fireproof multiple-dwellings hereafter erected no closet of any kind shall be constructed under any stairway leading from the first story exclusive of the cellar, to the upper stories, but such space shall be left entirely open and kept clear and free from incumbrance.

53. Entrance to Cellar or Basement from Outside. In every multiple-dwelling hereafter erected there shall be an entrance to the cellar or other lowest story from the outside of said building.

54. Cellar Stairs. In non-fireproof multiple-dwellings hereafter erected exceeding two stories in height, the inside cellar stairs, when located beneath the stairs leading to the second story, shall be enclosed with fireproof walls and provided with self-closing doors at top and bottom. When the first floor of any such tenement house is used or intended to be used for business purposes, and the stairs leading to the cellar or basement are located beneath the stairs leading to the next upper floor, the stairs leading to the cellar or basement shall be fireproof and enclosed in fireproof walls, and such stairs leading to the cellar or basement shall be provided with self-closing fireproof doors at top and bottom.

55. Fire Walls. Where dwellings are built in the form of double houses or terraces, or attached or semi-detached rows, or against the lot line there shall be a fireproof wall separating each such house from each adjoining house, and such wall shall have no opening therein and shall extend from the floor of the basement or cellar to the under side of the sheathing of the roof.

56. Halls and Public Assemblage. No multiple-dwelling hereafter erected shall contain a place or hall for public assemblage above the first floor, except in Class A and Class B structures.

57. Steam Boilers, Heating Furnaces and Water Heating Apparatus of Multiple-Dwellings. All steam boilers, heating furnaces, or water heating apparatus, using any fuel other than coal-gas or natural gas, installed in the basement or cellar of any multiple-dwelling shall be enclosed in a room with walls of masonry, rein-

forced concrete, terra cotta or tile from the basement or cellar floor to the bottom of the first floor joists, and the ceiling of the same construction or of not less than three-fourths inch plaster on metal lath.

All windows shall be of wire glass not less than one-quarter of an inch thick in metal frames and sashes. All doors leading from said room shall be fire doors and either run on tracks or arranged to swing out and to close automatically.

All fire doors shall overlap the wall at least three inches at side and top. Sills shall be of metal at least one-quarter of an inch thick on masonry, or of masonry, and have horizontal faces extending under fire doors and outer edges flush with outer surface of fire doors.

Top of sliding door shall conform to incline on the track, which shall be three-quarters inch to the foot. No door shall be hung on wooden frames or in contact with any woodwork.

Doors shall be made of three thicknesses of seven-eighths inch by six inch tongued and grooved redwood boards, surfaced both sides, the outer thickness to be placed vertical or diagonal and the inner thickness to be horizontal, nailed with clinched nails.

Doors shall be entirely covered with good tin plate ("IC" charcoal, 109 pounds to the box), not over fourteen inches by twenty inches in size, laid with locked joints covering nail heads, and all vertical seams shall be double-locked. No solder shall be used.

All doors shall have hinges, hangers, latches and chafing strips of wrought iron bolted to the doors, and shall have steel tracks (when sliding doors) and wrought iron steps and binders bolted through the wall. Swinging doors shall have wall eyes of wrought iron built into or bolted through the wall.

Where oil is burned, every doorway shall have a masonry sill rising not less than six inches from the floor.

Where oil is burned the oil shall not be fed to the furnace by a gravity flow. It is provided that the regulations in this section shall apply only to multiple-dwellings.

58. Every person desiring to construct or alter a dwelling shall obtain a permit from the Department of Buildings and Inspections.

59. No tenement house or dwelling house shall at any time be altered so as to be in violation of any provisions of this ordinance.

CHAPTER III.

ALTERATIONS.

(In this chapter will be found the provisions which must be observed when it is proposed to alter an existing dwelling).

60. Percentage of Lot Occupied. No dwelling, either alone or with other buildings, shall be increased in height or its lot decreased so that its yard shall be diminished to less than is required by sections eleven to thirteen of this ordinance, or so that a greater percentage of the lot shall be occupied by buildings or structures than is provided for in section eleven of this ordinance.

61. Height. No dwelling shall be increased in height so that said building shall exceed in height the provisions of sections forty-one and forty-two of this ordinance.

62. Shafts and Courts. Any shaft or court used or intended to be used to light or ventilate rooms intended to be used for living purposes, and which may hereafter be placed in multiple-dwellings erected prior to the passage of this ordinance, shall not be less in area than twenty-five square feet nor less than four feet in width in any part, and such shaft shall under no circumstances be roofed or covered over at the top with a roof or skylight. Every such court shall be provided with an air intake as provided in section nineteen of this ordinance.

63. Additional Rooms and Halls. Any additional room or hall that is hereafter constructed or created in a dwelling shall comply in all respects with the provisions of this ordinance applicable to such houses to be erected hereafter, except that such rooms may be the same height as the other rooms of the same story of the house.

64. Lighting and Ventilation of Rooms and Halls. No dwelling shall be so altered that any room or public hall or stairs shall have its light or ventilation diminished in any way not approved by the Board of Health.

65. Alcoves and Alcove Rooms. No part of any room in any dwelling shall hereafter be enclosed or subdivided, wholly or in part, by a curtain, portiere, fixed or movable partition, or other contrivance or device, unless such part of the room so enclosed or subdivided, shall contain a window as required by section twenty-three of this ordinance, and have a floor area of not less than one hundred square feet; *provided, however*, that closets or alcoves of not more than twenty-five square feet in area do not come within the provisions of this section.

66. Skylights. All new skylights hereafter placed in a public

hall in a multiple-dwelling shall be provided with ridge ventilators having a minimum opening of forty square inches and also with either fixed or movable louvres or with movable sashes, and shall be of such size as to permit adequate light and ventilation.

67. *Water Closet Accommodations.* Every new water closet hereafter placed in a dwelling, except one provided to replace a defective or antiquated fixture in the same location, shall comply with the provisions of sections twenty-seven, thirty-seven and thirty-nine of this ordinance, relative to water closets in buildings hereafter erected.

68. *Garbage Chutes.* No garbage chutes shall be constructed, maintained or used.

69. *Size of Multiple Dwelling.* No wooden multiple-dwelling shall hereafter be increased in size so as to contain more than one hundred and fifty rooms exclusive of bath rooms.

70. *Height of Dwelling.* No existing wooden dwelling shall be increased in height so as to be more than forty feet above the ground at any point.

71. *Height of Non-Fireproof Multiple-Dwelling.* A non-fireproof multiple-dwelling may hereafter be altered to be four stories in height; **provided**, the exterior walls are all of brick or stone or concrete, and all other municipal requirements for this type of buildings are complied with.

If in addition to above requirements all joists, girders, studding, furring and the soffits of stairs be lathed with metal lath and plastered, such dwelling may be built not to exceed five stories. A cellar is not a story within the meaning of this section. However, the building may step up or down to follow the grade, **provided**, that no part of said building exceeds the number of stories provided for in this section, nor the maximum height of such buildings as prescribed in sections forty-one and forty-two of this ordinance.

72. *Fire Escapes.* All fire escapes hereafter constructed on any multiple-dwelling shall be located and constructed as prescribed in section forty-four of this ordinance.

73. *Roof Stairs.* No stairs leading to the roof in any multiple-dwelling shall be removed or be replaced with a ladder.

74. *Penthouses.* Every penthouse hereafter constructed in a multiple-dwelling shall be constructed as provided in section forty-five of this ordinance.

75. *Stairways.* No public hall or stairs in a multiple-dwelling shall be reduced in width so as to be less than the minimum width prescribed in sections forty-six to forty-nine of this ordinance.

76. Elevator Shafts. No elevator shaft shall be hereafter constructed in the stair well of any non-fireproof multiple-dwelling.

77. Cellars and Basements as Living Rooms. In no now existing dwelling shall any room in the cellar be used for living purposes, or any room in the basement be constructed, altered, converted, or occupied for living purposes unless it be made to conform to the requirements of section thirty-three of this ordinance.

78. Halls for Public Assemblage. No multiple-dwelling, except those of Class A and Class B construction, shall be altered so as to provide therein a place or hall for public assemblage above the first floor.

79. Steam Boilers, Heating-Furnaces and Water-Heating Apparatus. In multiple-dwellings all steam boilers, heating furnaces and water-heating apparatus, using any fuel other than coal-gas or natural gas shall be safeguarded as provided in section fifty-seven of this ordinance.

80. Permit to Alter. Every person desiring to construct or alter a dwelling shall obtain a permit from the Department of Buildings and Inspections.

CHAPTER IV.

MAINTENANCE

(In this chapter will be found the provisions which an owner must observe with regard to the maintenance of a dwelling).

81. Lighting of Public Halls and Stairs by Day. In every multiple-dwelling containing fifteen rooms or more, where the public halls and stairs are not, in the opinion of the Board of Health, sufficiently lighted, the owner of such house shall keep a proper light burning in the hallway near the stairs upon each floor from sunrise to sunset.

82. Lighting of Public Halls and Stairs by Night. In every multiple-dwelling a proper light shall be kept burning by the owner in the public hallways, near the stairs, upon the entrance floor, and upon the second floor above the entrance floor of said dwelling every night from sunset to sunrise throughout the year, and upon all other floors of the said house from sunset until ten o'clock in the evening.

83. Water Closets in Cellars. No water closet shall be maintained in the cellar of any multiple-dwelling without a special permit in writing from the Board of Health.

84. Water-Closet Accommodations. In every dwelling existing prior to the passage of this ordinance there shall be provided at least one water-closet for every two apartments, groups or suites of rooms, or fraction thereof. Except that in multiple-dwellings of Type B there shall be provided at least one water-closet for every fifteen occupants or fraction thereof.

85. Water Supply in Multiple-Dwellings. Every multiple-dwelling shall have water supplied in sufficient quantities at one or more places accessible to each family, on at least one of the floors occupied by or intended to be occupied by said family.

86. Use of Cellar and Basement for Living Purposes. In no now existing dwelling house shall any room in the cellar be used for living purposes, nor any room in the basement be constructed, altered, converted or occupied for living purposes unless it conform to the provisions of section thirty-three of this ordinance.

87. Water Closets and Sinks. In all dwellings the floor and wall surfaces beneath and around all water closets and sinks shall be maintained in good order and repair, and if of wood shall be kept well painted with light-colored paint. It shall be unlawful to maintain any water closet, seat or urinal or any bath tub or sink in

a casing of wood, and where such appliances exist the wooden casing, if any, shall be removed.

88. Cellar Walls and Ceilings. The cellar walls and ceilings of every multiple-dwelling shall be thoroughly whitewashed or painted a light color by the owner, and shall be so maintained. Such white-wash or paint shall be renewed whenever necessary to keep such walls and ceilings clean and sanitary.

89. Cleanliness of Building. The owner or occupant of every private dwelling and the owner of every multiple-dwelling shall see that such dwelling and every part thereof shall be kept clean and free from any accumulation of dirt, filth or garbage or other matter in or on the same, or in the yards, courts, passages, areas or alleys connected with or belonging to the same.

90. Repairs. The owner of every dwelling shall see that such house and all parts thereof shall be kept in good order and the roof shall be kept so as not to leak, and all rain water shall be so drained and conveyed therefrom as to prevent its dripping on the ground or causing dampness in the walls or ceilings.

91. Walls of Courts. In multiple-dwellings the walls of all yards, inner courts, lot-line courts and shafts, unless built of light-colored stone or brick, shall be thoroughly whitewashed by the owner, lessee or tenant, or shall be painted a light color and so maintained.

92. Walls and Ceilings of Rooms. In all dwellings the Board of Health may require the walls and ceilings of every room that does not open directly on the street to be kalsomined white or painted white when necessary to improve the lighting of such rooms, and may require this to be renewed as often as may be considered necessary by said Board.

94. Receptacles for Ashes, Garbage and Rubbish. The owner of every dwelling shall provide for said building proper and suitable conveniences or receptacles for ashes, rubbish, garbage, refuse and other matter.

95. Garbage Chutes Unlawful. No garbage chutes shall be constructed, maintained or used.

96. Prohibited Uses. No horse, cow, calf, swine, goat, rabbit, or sheep, chickens or other poultry shall be kept in any dwelling or within twenty-five feet thereof; and no multiple-dwelling of Type A or the lot or premises thereof shall be used for a lodging house. No multiple-dwelling or the lot or premises thereof shall be used for the storage or handling of rags or junk or as a stable.

97. Janitor. In any multiple dwelling in which the owner does

not reside, there shall be a janitor, housekeeper or some responsible person who shall reside in said dwelling and have charge of same, as the Board of Health shall so require.

98. Public Assembly Halls. No place of public assemblage shall be constructed, maintained or used in any multiple-dwelling above the first floor, except of Class A or Class B construction.

99. Other Dangerous Businesses. There shall be no transom, window, door or other opening from any portion of a multiple-dwelling where paint, oil, spirituous liquors or drugs are stored for the purpose of sale or otherwise, into a hall or stairway used by the tenants.

100. Overcrowded. If any room in a dwelling is overcrowded the Board of Health may order the number of persons sleeping or living in said room to be so reduced that there shall be not less than four hundred cubic feet of air to each person occupying such room.

101. Combustible Materials. No multiple-dwelling nor any part thereof nor of the lot upon which it is situated shall be used as a place of storage for any article dangerous or detrimental to life or health, nor for the storage, keeping or handling of feed, hay, straw, excelsior, cotton, paper stock, feathers or rags or other easily combustible article.

102. Bakery or Place Where Fat Is Boiled. Fireproofing. No bakery, and no place of business in which fat is boiled shall be maintained in any multiple-dwelling which is not fireproof throughout, unless the ceilings and side walls of said bakery or place where fat boiling is done are made safe by fireproof materials around the same, and there shall be no openings either by door or window, dumb waiter shafts or otherwise, between said bakery or said place where fat is boiled in any multiple-dwelling and the other parts of said building.

103. Fireproofing Where Paint, Oil, Spirituous Liquors or Drugs Are Stored. All transoms and windows opening into halls from any portion of a multiple-dwelling where paint, oil, spirituous liquors or drugs are stored for the purpose of sale or otherwise, shall be glazed with wire glass or they shall be removed and closed up as solidly as the rest of the wall. And all doors leading into such hall from such portion shall be made fireproof.

104. Infected and Uninhabitable Houses to Be Vacated. Whenever a dwelling, or any part thereof, is infected with contagious disease, or is unfit for human habitation, or dangerous to life or health by reason of want of repair, or of defects in the drainage, plumbing, ventilation, or of the construction of the same, or by reason of the existence on the premises of a nuisance likely to cause

sickness among the occupants of said dwelling, the Board of Health may issue an order requiring all persons therein to vacate such dwelling, or part thereof, within not less than twenty-four hours nor more than ten days, for the reason to be mentioned in said order; and it shall thereupon and thereafter be unlawful to occupy or permit the occupancy of such dwelling or part thereof until such order has been complied with. The Board of Health, whenever it is satisfied that the danger from said dwelling or part thereof has ceased to exist, or that it is fit for human habitation, may revoke said order, or may extend the time within which to comply with same.

105. Scuttles, Penthouses, Ladders and Stairs. All scuttles and pent houses and all stairs or ladders leading thereto shall be easily accessible to all tenants of the building, and kept free from incumbrance, and ready for use at all times. No scuttle and no pent house door shall at any time be locked with a key, but either may be fastened on the inside by movable bolts or hooks.

106. Fire-Escapes. The owner of every multiple-dwelling shall keep all the fire escapes thereon in good order and repair, and whenever rusty shall have them properly painted with two coats of paint. No person shall at any time place any incumbrance of any kind before or upon any such fire escape.

107. License to Be Obtained. Every owner or lessee of a multiple-dwelling shall obtain at the beginning of each year a license from the Board of Health. Upon proper application therefor on blanks provided by the Board of Health and the payment of the Inspection Fee, the Board of Health shall with all reasonable dispatch proceed to an inspection of the premises for which a license is sought and if the building and premises be found to accord with the requirements of this ordinance, the Board of Health shall issue to the owner or lessee making application a license to conduct the same during the calendar year, or for such portion of the calendar year as may remain after said inspection has been completed.

108. Fees for Inspection. The fee for the inspection provided for in section one hundred and seven of this ordinance shall be one dollar for every ten rooms (other than closets, water-closet compartments and bath rooms) in the house or building for which a license is sought.

CHAPTER V.

IMPROVEMENTS.

(In this chapter will be found the provisions which an owner must observe with regard to the improvements required in a dwelling erected prior to the passage of this ordinance).

109. Ventilation of Public Halls. In all multiple-dwellings erected prior to the passage of this ordinance, where a skylight now exists in a public hall without sufficient ventilators to furnish adequate ventilation, the same shall have constructed therein movable louvres, or other ventilating device having an effective ventilating area of not less than one hundred square inches.

110. Water Closets, Lavatories and Sinks. In all now existing dwellings the woodwork enclosing all water closets, lavatories and sinks shall be removed from (the front of) said closets, lavatories and sinks and the space underneath shall be left open. The floor and other surface beneath and around the closet shall be maintained in good order and repair and if of wood shall be kept well painted with light colored paint.

111. Water Closets in Dwelling Houses. All new water closets hereafter placed within a dwelling erected prior to the passage of this ordinance, or in a compartment contiguous thereto, shall be located and installed in accordance with the requirements of section thirty-seven of this ordinance. Where outside closets are constructed, they shall be in accordance with the ordinances and regulations of the City relating to such closets.

112. Basements and Cellars. The floor of the cellar or basement of every dwelling shall be free from dampness and, when necessary, shall be concreted with three and three-fourths inches of concrete of good quality and with a finished surface.

113. Drainage. The ground beneath the cellar, basement or first floor of every dwelling shall be well drained and ventilated. In no case shall water be allowed to stand beneath any building used for human habitation.

114. Egress. Every multiple-dwelling exceeding one story in height shall have at least two independent ways of egress constructed and arranged as provided in section forty-three of this ordinance. In the case of multiple-dwellings erected prior to the passage of this ordinance where it is not practicable to comply in all respects with the provisions of that section the Department of Buildings and Inspections shall make such requirements as may be appropriate to secure proper means of egress from such multiple dwellings for all the occupants thereof. No existing fire escape shall be deemed a sufficient means of egress unless the following conditions are complied with:

(1) All parts of it shall be of iron, cement or masonry.

(2) The fire escape shall consist of outside balconies which shall be properly connected with each other by adequate stairs or stationary ladders, with openings not less than twenty-four by twenty-eight inches.

(3) All fire escapes shall have proper drop ladders or stairways from the lowest balcony of sufficient length to reach a safe landing place beneath.

(4) All fire escapes not on the street shall have a safe and adequate means of egress from the yard or court to the street or alley or to the adjoining premises.

(5) Prompt and ready access shall be had to all fire escapes, which shall not be obstructed by bath-tubs, water closets, sinks or other fixtures or in any other way.

All fire escapes that are already erected which do not conform to the requirements of this section may be altered by the owner to make them so conform in lieu of providing new fire escapes, but no existing fire escape shall be extended or have its location changed except with the written approval of the Department of Buildings and Inspections. All fire escapes hereafter erected on any multiple-dwelling shall be located and constructed as prescribed in section forty-four of this ordinance.

115. Additional Means of Egress. Whenever any multiple-dwelling is not provided with sufficient means of egress in case of fire the Department of Buildings and Inspections shall order such additional means of egress as may be necessary.

116. Roof Egress; Scuttles, Pent-Houses, Ladders and Stairs. Every flat-roofed multiple-dwelling exceeding two stories in height erected prior to the passage of this ordinance shall have in the roof a penthouse or a scuttle which shall be not less than two feet by three in size. All such penthouses and scuttles shall be fireproof or covered on the outside with metal and shall be provided with stairs or stationary ladders leading thereto and easily accessible to all occupants of the building. No scuttle or penthouse shall be located in a room, but shall be located in the ceiling of the public hall on the top floor, and access through the same to the roof shall be direct and uninterrupted. When deemed necessary by the Department of Buildings and Inspections scuttles shall be hinged so as to readily open. Every penthouse in such multiple-dwelling shall have stairs with a guide or hand-rail leading to the roof, and such stairs shall be kept free from incumbrance at all times. No scuttle and no penthouse door shall at any time be locked with a key, but either may be fastened on the inside by movable bolts or hooks. All key-locks on scuttles and on penthouse doors shall be removed.

CHAPTER VI.

REQUIREMENTS AND REMEDIES.

(In this chapter will be found the legal requirements, penalties for violations of the law, procedure, et cetera).

117. Permit to Commence Building. Before the construction or alteration of a dwelling or the alteration or conversion of a building for use as a dwelling or any improvement involving structural changes in any dwelling is commenced, and before the construction or alteration of any building or structure on the same lot with a dwelling, the owner, or his agent or architect, shall submit to the Department of Buildings and Inspection a detailed statement in writing, setting forth the specifications for such dwelling, upon blanks or forms to be furnished by such department, and also full and complete indelible copies of the plans for such work, together with a plan of the lot on which the same is or is to be situated, showing the location, character and size of all buildings thereon, and the exact dimensions of said lot, together with its legal description. Provided that the plans and specifications for a dwelling costing less than two thousand dollars need be only such as will advise the building department of the character of the proposed building, the sufficiency of such plans and specifications to be determined by said Department. Such statement shall give in full the name and residence, by street and number, of the owner or owners of such house or building. If such construction, alteration, conversion or improvement is proposed to be made by any other person than the owner of the land in fee, such statement shall contain the full name and residence, by street and number, not only of the owner of the land, but of every person, interested in such dwelling. All matters required to be filed therewith, as herein provided, shall be verified by the affidavit of the person making the same.

The statement and affidavits herein provided for may be made by the owner, or by his agent. No person, however, shall be recognized as the agent of the owner, unless he shall file with the said department a written instrument, signed by such owner wherein said owner designates said person as his agent and agrees to be bound by and be responsible for the statements and acts of said agent. The Building Inspector shall cause all such plans and specifications to be examined. If such plans and specifications conform to all the provisions of this ordinance and all other ordinances relating to buildings, they shall be approved by the Department of Buildings and Inspections and a permit issued as provided by the ordinance relating to buildings, and the plans, specifications and statements shall be filed in the office of the Department and be retained as part of its permanent records. The Building Inspector may, from time to

time, approve changes in any plans and specifications previously approved by him, provided the plans and specifications when so changed shall be in conformity with the law and ordinances. The construction, alteration, conversion or improvement of such dwelling, building or structure or any part thereof, shall not be commenced until after the filing of such specifications, plans and statements, and the issuance of the permit as herein provided. The construction, alteration, conversion or improvement of such house, building or structure shall be in accordance with such approved specifications and plans. Any permit or approval which may be issued by the Department of Buildings and Inspections, but under which no work has been done above the foundation walls within three months from the time of the issuance of such permit or approval, shall expire by limitation, but may be renewed without cost for a further period of three months. Such permit shall be subject to revocation, as provided in said ordinances relating to buildings. When a plan of the lot for any dwelling has been furnished to the Building Inspector, as herein provided, no part of such lot shall ever afterward be included in the plan of any other lot so furnished to the Building Inspector unless the remainder left of the original lot be sufficient to conform to all the requirements of sections eleven and thirteen of this ordinance. And no part of any lot of which the plan has been furnished to the Building Inspector, as herein provided, shall ever be built upon otherwise than as shown by such original plan, except so that the remainder of the lot not covered by such later building or buildings shall always be sufficient to conform to all the requirements of this ordinance.

118. *Certificates of Compliance.* No building hereafter constructed as or altered into a dwelling shall be occupied in whole or in part for human habitation until the issuance by the Building Inspector of a certificate countersigned by the Board of Health that said building conforms in all respects to the requirements of this ordinance. Such certificates shall be issued within ten days after written application therefor, if said building at the date of such application shall be entitled thereto.

119. *Unlawful Occupation.* When any dwelling or the lot on which it is situated or any building on the same lot therewith fails to comply with any of the provisions of this ordinance as to its erection, alteration, maintenance and improvement, such dwelling or multiple-dwelling shall not be used for human habitation, and any person who shall occupy, or who shall permit or cause any person to occupy any dwelling, or any part thereof, in violation of any of the provisions hereof, or while such dwelling, lot or building, or any part thereof, remains in violation of this ordinance, shall be deemed guilty of a violation of this ordinance, and every day's continuance of such violation shall be deemed a separate offence.

120. Registry of Owner's Name. Every owner of a multiple-dwelling of Type A and every lessee of the whole dwelling, or other person having control of said dwelling shall within three months after the passage of this ordinance, file with the Board of Health a notice containing his name and address, and also a description of the property, by street number and by legal description, giving the number of the lot and block, in such manner as will enable the said Board easily to find the same; and also the number of apartments in each house, the number of rooms in each apartment, and the number of families occupying the apartments; and the failure to file such notice shall be deemed a misdemeanor and be punishable as provided in section one hundred and twenty-three of this ordinance.

121. Registry of Agent's Name. Every owner or lessee of a multiple-dwelling shall file with the Board of Health a notice containing his own name and address or the name and address of an agent of such dwelling, for the purpose of receiving service of notice or other process and also a description of the property by street number in such manner as will enable the Board of Health easily to find the same.

122. Service of Notice and Orders. Every notice or order in relation to a dwelling shall be served five days before the time for doing the thing in relation to which it shall have been issued. Such service shall be upon the person, if any, whose name has been filed with the Board of Health in accordance with the provisions of section one hundred and twenty-one of this ordinance and if no such name has been filed, then such service shall be upon the owner, agent or other person or persons having control of such dwelling.

123. Penalties for Violation. Any owner, agent, manager, tenant, lessee or occupant of any tenement house or dwelling house, or any architect, contractor, builder or foreman, violating, disobeying, neglecting or refusing to comply with any of the provisions of this ordinance, shall be fined not less than five (\$5.00) dollars, nor more than two hundred (\$200.00) dollars, for the first offence, and shall be fined not less than twenty-five (\$25.00) dollars nor more than five hundred (\$500.00) dollars, for a second and each subsequent offence; and any violation of any provision of this ordinance, if continued after prosecution is begun, shall be deemed a separate offence for each day such violation is continued.

124. Ordinances Repealed. All ordinances and parts of ordinances, so far as inconsistent with the provisions of this ordinance, are hereby repealed.

125. When to Take Effect. This ordinance shall take effect and be in force from and after thirty days after its final passage.

In effect July 1, 1915.

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